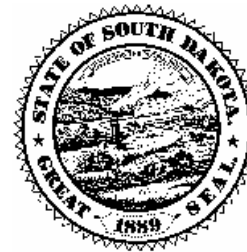


REGISTER

South Dakota Legislative Research Council



Volume 32

Monday, 8:00 a.m., July 11, 2005

NOTICES OF PROPOSED RULES: (The date in parentheses is the date the rules were filed in the Legislative Research Council.)

Bureau of Finance and Management:

(July 6, 2005) is proposing to amend a rule to require that requests for Advance Travel have a minimum of \$200. The general authority for this rule, as cited by the bureau, is SDCL 3-9-18.

A public hearing will be held in Room 206, Second Floor, State Capitol Building, 500 East Capitol, Pierre, South Dakota, on July 28, 2005, at 11:00 a.m. Copies of the proposed rule may be obtained from and written comments sent to the South Dakota Bureau of Finance and Management, PMB 0111-000, State Capitol, 500 East Capitol, Pierre, South Dakota, 57501. Written comments must be received by August 5, 2005, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the bureau can make arrangements are asked to call (605) 773-3411 at least forty-eight hours before the hearing.

Department of Education: Board of

Education: (July 6, 2005) intends to amend rules that will align the rules to the federal 2004 IDEA legislation to enable districts to inform in-service teachers about the federal new requirements and to allow districts to take advantage of the new flexibilities within IDEA 2004 at the start of the 2005-2006 school year; to allow educators additional means of adding endorsements and authorizations to their certificates and to clarify how the Praxis II tests will be used regarding teacher certification; to increase certification fees and records review fees to \$50; and to allow teachers with advanced certification or advanced degrees several

options for renewing their certificates. The general authority for these rules, as cited by the board, is SDCL 13-1-12.1, 13-37-1.1, and 13-42.3.

A public hearing will be held at the Ramkota River Centre, 920 West Sioux Avenue, Pierre, South Dakota, on July 18, 2005, at 1:30 p.m. Copies of the proposed rules may be obtained without charge from and written comments sent to the Department of Education, South Dakota Board of Education, 700 Governors Drive, Pierre, South Dakota 57501-2291. Written comments must be received by July 18, 2005, to be considered. This hearing is being held in a physically accessible place. Persons who have special needs for which the department can make arrangements are asked to call (605) 773-3426 at least 48 hours before the hearing.

DECLARATORY RULINGS:

The South Dakota Gaming Commission has issued two declaratory rulings dated July 6, 2005. The first ruling, filed by Francis Toscana, mayor of the City of Deadwood, determined that SDCL 42-7B-44 permits the City of Deadwood to purchase, own, lease or place up to fifty five-cent slot machines within the City of Deadwood. The statute does not permit the use of slot machines of less than five cents.

The second declaratory ruling, filed by DGR Hospitality Corporation relating to Deadwood Gulch Resort Sauna and Hot Tub Facility, determined that the building of the former sauna and hot tub facility located on south Highway 85 in Deadwood is a separate building for the purposes of determining the number of gaming devices that can be placed in the building.

Copies of the declaratory rulings may be reviewed or copied at the office of the Legislative Research Council during normal business hours.

FILINGS IN THE SECRETARY OF STATES OFFICE:

Correction:

The **DEPARTMENT OF REVENUE AND REGULATION: DIVISION OF INSURANCE** has filed a correction to the numbering for the rules relating to Chapter 20:06:13 - Medicare Supplement Insurance. Standardized Medicare supplement benefit plans "K" and "L" can now be found at subdivisions (13) and (14) in ARSD 20:06:13:17.06.

Executive Appointments:

Kevin Forsch, Ft. Pierre, was appointed on June 29, 2005, to the **South Dakota Risk Pool Governing Board**, to replace Deb Bowman, effective immediately.

Laura Johnson Frame, Pierre, was appointed on June 29, 2005, to the **South Dakota Interagency Coordinating Council**, effective immediately.

Mary Livermont, Pierre, was appointed on June 29, 2005, to the **South Dakota**

Interagency Coordinating Council, effective immediately.

Revi Warne, Pierre, was appointed on June 29, 2005, to the **South Dakota Interagency Coordinating Council**, effective immediately.

Vivian Asmussen, Pierre, was reappointed on June 30, 2005, to the **Commission on Human Rights**, effective July 1, 2005, and shall continue until June 30, 2009.

David Volk, Sioux Falls, was appointed on June 30, 2005, to the **Commission on Human Rights**, effective July 1, 2005, and shall continue until June 30, 2009.

Todd Wilkinson, De Smet, was reappointed on June 30, 2005, to the **South Dakota Snowmobile Advisory Council**, effective July 1, 2005, and shall continue until June 30, 2008.

Scott German, Sisseton, was reappointed on July 1, 2005, to the **Hagen-Harvey Memorial Scholarship Board**, effective July 1, 2005, and shall continue until June 30, 2010.

Note: A copy of the rules may be obtained directly from the above agencies. Write to the agency at the address given under "Notices of Proposed Rules." There is no charge for proposed rules. The following agencies have permission from the Interim Rules Review Committee to charge for adopted rules: the Division of Insurance, the Cosmetology Commission, the State Board of Examiners in Optometry, the State Plumbing Commission, the Board of Nursing, the Department of Social Services, the State Electrical Commission, the South Dakota Board of Pharmacy, the Real Estate Commission, the Gaming Commission, the Department of Revenue and Regulation, and the Department of Labor for Article 47:03.

REMINDER OF HEARINGS SCHEDULED

7-12-2005	Agriculture	Adopt rules to establish the South Dakota Certified Beef Program; 31 SDR 219.
7-15-2005	Social Services: Economic Assistance	Amend rules that will increase the payment standard for Temporary Assistance for Needy Families (TANF) Program; 31 SDR 219.
7-15-2005	Social Services: Medical Services and Secretariat	Amend rules that will update by reference the latest versions of the <u>Physicians' Current Procedural Terminology (cpt)</u> and the <u>International Classification of Diseases, 9th Revision, Clinical Modification (ICD-9-CM)</u> ;

		and amend a rule that incorporates by reference the latest federal poverty levels established by the federal government; 31 SDR 220.
7-15-2005	Social Services: Medical Services	Adopt rules relating to Medicaid payment for care provided to children by a residential treatment facility; 31 SDR 220.
7-18-2005	Labor: Electrical Commission	Adopt the 2005 National Electrical Code, increase inspection fees, and revise local inspection system requirements; 31 SDR 209.
7-18-2005	Education: Board of Education	Amend rules that will align the rules to the federal 2004 IDEA legislation to enable districts to inform in-service teachers about the federal new requirements and to allow districts to take advantage of the new flexibilities within IDEA 2004 at the start of the 2005-2006 school year; to allow educators additional means of adding endorsements and authorizations to their certificates and to clarify how the Praxis II tests will be used regarding teacher certification; to increase certification fees and records review fees to \$50; and to allow teachers with advanced certification or advanced degrees several options for renewing their certificates; 32 SDR 7.
7-19-2005	Human Services: Rehabilitation Services	Adopt rules to establish requirements for the cochlear implant program; 31 SDR 219.
7-25-2005	Labor: Cosmetology Commission	Amend rules to set the esthetician education hours at six-hundred clock hours; delete the medical description from microdermabrasion devices; allow birds or animals in salons; require schools to have at least one electric file with attachments as part of the school's equipment; update the school curriculum for cosmetology, nail technology, and esthetics; change the required school reports and records to record clock hours or credit hours; and set hours for esthetics or nail technology school field trips; 32 SDR 1.
7-26-2005	Revenue and Regulation: Gaming Commission	Adopt new licensing categories as well as license fee schedules for Hub employees, key employees, and multi-jurisdictional totalizer hub licensees; adopt rules to allow for account wagering and multi-jurisdictional simulcasting and interactive wagering totalizer hubs with the state of South Dakota; 32 SDR 1.

7-28-2005	Transportation	Amend speed zones in the following counties: Brown, Day, and Roberts Counties – US Highway 12 from east of Aberdeen to Interstate 29; Davison, Sanborn, and Beadle Counties – SD Highway 37 from north of Mitchell to south of Huron; Yankton, Clay, and Union Counties – SD Highway 50 from east of Yankton to Interstate Highway 29; Stanley and Lyman Counties – US Highway 83 from south of Fort Pierre to Interstate Highway 90; Brown and Spink Counties – US Highway 281 from south of Aberdeen to the junction with SD Highway 20.; and adopt rules for utility corridor management; 32 SDR 1.
7-28-2005	Bureau of Finance and Management	Amend a rule to require that requests for Advance Travel have a minimum of \$200; 32 SDR 7.

Rules Review Committee Meetings

The next meeting of the Interim Rules Review Committee will be held Tuesday, August 9, 2005, in Room 413 of the State Capitol. The committee chair has set the following tentative meeting schedule for the 2005 interim: September 20, October 18, December 6, and January 9, 2006.

Note: An updated version of the Administrative Rules Guide to Form and Style is available at the LRC office and on the Legislative Web site.